

NR 411 Indirect Source Rule Revisions
Stakeholder Session Summary
Transportation Demand Management
October 5, 2006

Attendees: Tom Walker, Larry Bruss, Mike Friedlander, Pat Trainer, Cameron Bump, Scott Manley, Mike Halstead, Carolyn Amegashie, Sonya Newenhouse, Bobbi Retzlaff, Stephanie Hickman, Jean Beckwith, Tom Coogan, Frank Furdek, Ken Yunker, Ward Lyles

Item: Purpose of Meeting (Bruss)

Keypoints:

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| <ul style="list-style-type: none">• To collect stakeholder input on Transportation Demand Management requirements for new indirect source permits.• Stakeholders request whether requirement would apply to new Cabela's Store in Washington County Congestion Management System in Southeast Wisconsin• WDNR Clarifies that traffic centers such as West Towne Mall will be required to address pedestrian safety designs, bicycle accommodations, and transit stop locations. Requirement for new Distribution Centers will not be the same. Individual employers in larger retail development not responsible for separate TDM plan. Incremental growth provision of existing rule will also apply to future development.• Who is responsible for TDM plan, developer or facility owner? |
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Outcomes/Follow-up:

Developer responsible for building design that enables alternatives to vehicle travel.
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Item: Additional Comments on the Last Stakeholder's Meeting relating to Roadway Construction Requirements – (ALL)
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Keypoints:

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| <ul style="list-style-type: none">• WDNR Webpage on NR 411 Rule Revision is complete• Refined inventory data on sector contribution for 2009 and 2012 is completed and distributed• Update on progress obtaining ULSD availability and Federal requirements. 20% of On-Road Diesel is exempt until 2010. Most will be 15 ppm• Stakeholders concerned about market uncertainties and tax issues associated with using on-road diesel in off-road construction equipment. Approximately \$0.55/gallon in state and federal tax. Cash flow problems, especially for small contractors |
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Outcomes/Follow-up:

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| <ul style="list-style-type: none">✓ WDNR will clarify the reliability of newer WDOR rebate program that enables road taxes to be reimbursed in approximately 2 weeks✓ WDNR will clarify if the Federal IRS has similar program available for Federal road tax rebate |
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Item: Progress on Evaluating the Legal Authority for Proceeding with NR 411 Rule Revision (Larry Bruss)
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Keypoints:

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| <ul style="list-style-type: none">• Stakeholders encouraged to submit written comments that specify where WDNR legal authority is questionable• Stakeholders believe that NR 411 rule revision should be developed as part of State Implementation Plan• All activity produces pollution. Should we regulate all sources of pollution despite smaller scale of contribution? |
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Outcomes/Follow-up:

✓ NR 411 is part of Federally Enforceable SIP

Item: DNR Proposal for Transportation Demand Management Requirement for New Indirect Source Air Permits – (Mike Friedlander)**Keypoints:**

• Employers subject to the indirect source permit program based on parking space thresholds are required to submit the following information to the Bureau of Air Management as an operation permit condition:

(A) Provide each regular employee with information on alternate mode options and travel reduction measures including, but limited to: bus routes and schedules, a ride share program, parking cash-out, and bicycle routes. This information shall also be provided to new employees at the time of hiring.

(B) Participate in a survey and reporting effort, the results of this survey shall form a baseline against which attainment of the targets in subsection e of this section shall be measured as follows:

1. The baseline for participation in alternative modes of transportation shall be based on the total number of employees;
2. The baseline for VMT shall be the average VMT per employee for employees not residing on the work site.

(C) Prepare and submit a travel reduction plan for submittal to the Wisconsin Department of Natural Resources, Bureau of Air Management staff. The plan shall contain the following elements:

The name of the designated Transportation Coordinator;

A description of employee information programs and other travel reduction measures which have been completed to date or during the previous year;

A description of travel reduction measures to be undertaken by the indirect source permittee in the future twelve months of the plan.

- Questions from stakeholders regarding whether future permit holders are responsible for conditions set forth in construction and/or operation permit regarding TDM
- How will WDNR determine if a TDM plan is adequate?
- TDM Study by Cambridge Systematic indicates that biggest impact is to large urban areas like Madison and SE Wisconsin. Commitment to finance transit is lacking in all jurisdictions except Madison. Milwaukee County Board rejects Transit Hybrid system. Require more funding from state and federal sources for transit. Inflation and funding uncertainty interferes with transit expansion plans
- Advocate for parking cash out strategy. Attempted trial at Hill Farms Building, but was rejected by WiDOA. Administering parking cash out program is difficult for employers
- Some municipalities require mandatory minimum parking spaces for development, despite efforts to curb single Occupancy Vehicle travel.
- The problem with TDM proposal is that it resembles ECO mandate in early 1990's.
- Three strategies to lower emissions = Demand, Efficiency, Technology
- Add Global Heating Gases to reduced emissions. 30% of GHG from transportation sector
- Recommend employers choose TDM measures from master list for maximum flexibility
- Request more certainty in requirements. What constitutes an acceptable plan? Current language is nebulous. Some measures are cost prohibitive. Are there cost/benefit analyses available?
- WDNR needs to consider administrative support cost to WisDOT for proposed TDM requirement.
- Transit and Land Use the most effective measures to reduce VMT. VMT also influenced by lifestyle and behavior
- Challenge is to make carpooling easy. Recent rise in gas price should correlate with increase

carpooling. People are looking for package of options	
Outcomes/Follow-up: <ul style="list-style-type: none"> ✓ Permit conditions remain effective for ultimate permit holder ✓ Seeking stakeholder feedback on unresolved issues. ✓ TDM standards for rural and urban employers will be differentiated ✓ Sonya Newenhouse and WisDOT agree to help refine TDM requirement language 	
Item: Diesel Oxidation Catalyst Presentation (John Garrett, Group)	
Keypoints: <ul style="list-style-type: none"> • Power Point Presentation. • Equity issues related to vertical construction industry and agriculture sector • 90% of SEWRPC projects are re-surfacing and not subject to proposed rule requirements. Should apply to all projects • Proposal will limit 	
Outcomes/Follow-up: <ul style="list-style-type: none"> ✓ WDNR will request Power Point Presentation and then put it on Website ✓ 	
Item: Traffic Signalization Requirements – (ALL)	
Keypoints: <ul style="list-style-type: none"> • Stakeholders request clarity, such as spacing of signal. Request that HNTB representative be involved for language development • 1,000 signal system in SE Wisconsin. Need to involve WisDOT people 	
Outcomes/Follow-up: <ul style="list-style-type: none"> ✓ WDNR will request subject matter experts for proposal refinement 	
Item: Next Steps– (ALL)	
Keypoints: <ul style="list-style-type: none"> • More detailed rule language to be distributed prior to Oct 19 meeting • Many hurdles in rule drafting process. • Establish another stakeholder review session for some time in December, before Board hearing • Compliment WDNR for inclusive process, however many concerns remain 	
Outcomes/Follow-up: <ul style="list-style-type: none"> ✓ 	